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EXAMINER
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SHEDRICK, CHARLES TERRELL

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/668,617

Applicant(s)

RUSSELL, ALICIA MARIE

Examiner

Charles Shedrick

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 2,5,6,14,16,17 and 28-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7-13,15,18-27 and 32-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 9/15/06 has been entered.

### *Response to Arguments*

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 9/15/06 have been fully considered but they are not persuasive.

Specifically, the applicant argues Holloway fails to disclose or suggest a wireless mobile device to select an alternate network destination address for receipt of external communication, as recited in **claim 36**.

However, based on the claim language the Applicant does not clearly recite that a wireless mobile device to select an alternate network destination address for receipt of external communication, as recited in claim 36. The Applicant claims *the unique identification allowing* the wireless mobile device 230 (figure 2) to select an alternate network destination address for the receipt of external communication. Which further broadens the claims to suggest the possibility (i.e., allow is defined as, to offer a possibility) that the mobile device selects an alternate network address. Furthermore a wireless mobile device *to select an alternate network*

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*destination address for receipt of external communication* reads on the intended use of the mobile device. As long as the prior art structure (mobile phone) is capable of performing the function it meets the limitation.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 36 is rejected under 35 U.S.C. 102(b) as being anticipated by **Holloway et al. (U.S. Pub.**

**No.: US 2003/0092451 A1)**

Consider **claim 36**, Holloway et al., teach a wireless beacon **220 (figure 2)** comprising: a transmitter configured to provide a wireless beacon coverage area (**figure 2, paragraphs 0016 and 0017**); and a wireless communication interface configured to provide a unique identification of the wireless beacon to a wireless mobile device located within the wireless beacon coverage area (**paragraph 0020**), *the unique identification allowing the wireless mobile device 230 (figure 2)* to select an alternate network destination address for the receipt of external communication while the wireless mobile device is within the wireless beacon coverage area and when the unique identification matches an expected value(i.e., the ability to override the transfer of calls can be programmed into a button and thus in this regard a selection is made regarding the forwarding. Holloway et al. further discloses that when a transmitter is installed, it is programmed with the phone number of the preferred phone. This preferred phone number is then transmitted as part of its signal. Mobile phone 230 is equipped to receive signals in the

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frequency of the transmitter 220 and is programmed to recognize a signal that is meant for it.

Holloway et al. also discloses in paragraph 0022 that a single transmitter can be programmed to recognize different mobile phones associated with it and to transfer each mobile phone to a different extension)(i.e., see paragraph 0017,0019, 0021, 0022, and 0029).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **1,3-4,7,9-13,15, 20-25, 39, and 45** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Holloway et al.** (U.S. Pub. No.: **US 2003/0092451 A1**) in view of **Bartle et al.** **US Patent No.: 6,188,888 B1**, hereinafter, 'Bartle'.

Consider **claim 1**, Holloway et al., teach a system with a wireless beacon (i.e., a preferred phone transmitter **220**)(**figure 2**) to provide wireless data communication with a mobile

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telephone **230,540 (figure 5)** to detect a location of the mobile telephone within a wireless detection area provided by the wireless beacon **220 (figure 5, paragraph 0019, and 0020)**; and a communication interface **230** (i.e., within the mobile phone)(**figure 5**) to selectively send a call forwarding message to a cellular switch **210** (i.e. within the cellular system) based on an evaluation of a value received from the wireless beacon(i.e., the ability to override the transfer of calls can be programmed into a button and thus in this regard a selection is made regarding the forwarding. Holloway et al. further discloses that when a transmitter is installed, it is programmed with the phone number of the preferred phone. This preferred phone number is then transmitted as part of its signal. In light of the applicants specification paragraphs 0022 and 0023 selectively also reads on rather the mobile chooses to activate the call forwarding by sending. In this regard selectively also reads on the Mobile phone 230 ability to receive signals in the frequency of the transmitter 220 and is programmed to recognize a signal that is meant for it. Since the phone has to make a choice to transmit based on at least recognizing the signal, the paragraphs cited reads on the claimed limitation in light of the description)(i.e., see **paragraph 0017 and 0021**), the call forwarding message to provide an instruction to route future calls destined for the mobile telephone to an alternate network address (**paragraph 0017-0020**). Wherein selectively sending a call forwarding message based on the evaluation of a value received from the wireless beacon comprises comparing the value received from the wireless beacon to identify the alternate network address (i.e., Holloway et al. further discloses that when a transmitter is installed, it is programmed with the phone number of the preferred phone. This preferred phone number is then transmitted as part of its signal. In light of the applicants specification paragraphs 0022 and 0023 selectively also reads on rather the mobile chooses to

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activate the call forwarding by sending. In this regard selectively also reads on the Mobile phone 230 ability to receive signals in the frequency of the transmitter 220 and is programmed to recognize a signal that is meant for it. Since the phone has to make a choice to transmit based on at least recognizing the signal, the paragraphs cited reads on the claimed limitation in light of the description given the applicants specification)(i.e., see **paragraph 0017 and 0021**).

However, Holloway et al. does not teach a lookup table accessible to the communication interface to identify the alternate network address.

In analogous art, Bartle teaches a lookup table accessible to the communication interface to identify the alternate network address (i.e., see at least col. 7 lines 50 –61).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holloway et al. to include a lookup table accessible to the communication interface to identify the alternate network address as taught by Bartle.

Consider **claim 3**, Holloway et al. teach a method of selecting a destination telephone **240,540 (figure 2 and figure 5)**), the method comprising: detecting a location of a mobile phone **230 (figure 2 and figure 5)** within a wireless detection area provided by a wireless beacon **220 (abstract)**; receiving a value from the wireless beacon (i.e., see paragraph 0017); and evaluating based on the value the value received from the wireless beacon (i.e., see paragraph 0017).

However, Holloway et al. does not specifically teach selecting a destination telephone from a lookup table within the mobile phone.

In analogous art, Bartle teaches selecting a destination telephone from a lookup table within the mobile phone (i.e., see at least col. 7 lines 50 –61).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holloway et al. to include selecting a destination telephone from a lookup table within the mobile phone as taught by Bartle.

Consider **claim 4**, and **as applied to claim 3 above**, Holloway et al. as modified by Bartle teach a method wherein the destination telephone is associated with a landline telephone number (i.e., the mobile phone is forwarded to a preferred phone that is tied into the PSTN)(**paragraph 0016**).

Consider **claim 7**, and **as applied to claim 3 above**, Holloway et al. as modified by Bartle teach wherein detecting the location of a mobile telephone is based upon communication using a wireless data protocol (i.e., Bluetooth is considered to be a short ranged wireless data communications protocol) (**abstract**).

Consider **claim 9**, and **as applied to claim 7 above**, Holloway et al., as modified by Bartle teach wherein the wireless data protocol is compliant with the Bluetooth standard (**Abstract, paragraph 0019**)

Consider **claim 10**, and **as applied to claim 3 above**, Holloway et al. as modified by Bartle teach a method further comprising sending a call forwarding message to a wide area switch **410** (i.e., within MSC)(**figure 4**) having a communication path targeted to the mobile telephone based on an evaluation of a value received from the wireless beacon(i.e., the ability to override the transfer of calls can be programmed into a button and thus in this regard a selection is made regarding the forwarding. Holloway et al. further discloses that when a transmitter is installed, it is programmed with the phone number of the preferred phone. This preferred phone number is then transmitted as part of its signal. Mobile phone 230 is equipped to receive signals



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in the frequency of the transmitter 220 and is programmed to recognize a signal that is meant for it)(i.e., see **paragraph 0017 and 0021**), the call forwarding message providing an instruction to route future calls destined for the mobile telephone to the destination phone (**paragraph 0017**), wherein the call forwarding message is communicated to the wide area switch using a wireless data message protocol (i.e., a GSM protocol)(**paragraph 0020**)

Consider **claim 11** and as applied to **claim 10** above, Holloway et al. as modified by Bartle teach a method wherein the wireless data message protocol is the Short Messaging Service(SMS) protocol(i.e., the method can be used with phones which comply with the standards set by GSM. Considering that the embodiments are using GSM phones it is inherent that the SMS can be utilized since SMS was created as part of the GSM phase 1 standard)(**paragraph 0020**)

Consider **claim 12**, and as applied to **claim 10** above, Holloway et al. as modified by Bartle teach a method wherein the wireless data message is sent on a packet channel utilizing a protocol selected from the group consisting of GSM, General packet Radio Service (GPRS), Universal Mobile Telecommunication System (UMTS), and CDMA (**paragraph 0020**) (i.e., The method can be used with phones which comply with the standards set by GSM, as well as non-GSM phones).

Consider **claim 13**, Holloway et al. teach a method of routing a call request (**paragraph 0016**), the method comprising: receiving at a wireless mobile communication device 230 (**figure 2**) and identifier from a source 220 (**figure 5**) over a first wireless connection (i.e., Bluetooth Personal Area Network (PAN)); determining whether the identifier comprises a recognized identifier (i.e., **paragraph 0017**) and communicating to a wireless switch 210 (**figure 4**), when the

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identifier comprises a recognized identifier (i.e., mobile phone 230 is equipped to receive signals in the frequency of the transmitter 220 and is programmed to recognize a signal meant for it)(**paragraph 0017**), a request to forward voice communications to the wireless mobile communication device 230 to an alternate communication device 240 (**figure 2**)(**paragraph 0014-paragraph 0016, figure 3, and figure 6**).

However, Holloway et al. does not teach a lookup table accessible to the wireless mobile device.

In analogous art, Bartle teaches a lookup table accessible to the wireless mobile device. (i.e., see at least col. 7 lines 50 –61).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holloway et al. to include a lookup table accessible to the wireless mobile device as taught by Bartle.

Consider **claim 15**, and as applied to **claim 13 above**, Holloway et al. as modified by Bartle teach a method wherein the wireless mobile communication device 230 (**figure 2**) is a cellular phone and wherein the request to forward voice communication is issued automatically (i.e., automatic forwarding without user intervention)(**abstract**).

Consider **claim 20** and as applied to **claim 13 above**, Holloway et al. as modified by Bartle teach a method wherein the mobile communication device 230 receives the identifier using a Bluetooth receiver (**paragraph 0019**).

Consider **claim 21**, and as applied to **claim 13 above**, Holloway et al. as modified by Bartle teach a method wherein the source is proximal to the wireless mobile communication device 230 (**abstract and figure 2**).

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Consider **claim 22** and as applied to **claim 13 above**, Holloway et al. as modified by Bartle teach a method further comprising the step of determining to withdraw the request to forward voice communication requests (**figure 6 and paragraph 0020**).

Consider **claim 23** and as applied to **claim 22 above**, Holloway et al. as modified by Bartle teach a method wherein the request is withdrawn when the mobile device no longer receives the identifier (**figure 6 and paragraph 0020**).

Consider **claim 24** and as applied to **claim 22 above**, Holloway et al. as modified by Bartle teach a method wherein the request is withdrawn in response to a user action (**paragraph 0021**).

Consider **claim 25** and as applied to **claim 24 above**, Holloway et al. as modified by Bartle teach a method wherein the user action is a key sequence (**paragraph 0021**).

Consider **claim 39** and as applied to **claim 1 above**, Holloway et al. as modified by Bartle teach the claimed invention further comprising a device associated with the alternate network address capable of receiving forwarded calls and capable of providing a distinctive notification of receipt of a forwarded call (i.e., the phone is **capable of ringing**)(paragraphs 0017-0022).

Consider **claim 45** and as applied to **claim 36 above**, Holloway et al. teach a mobile device associated with alternate network addresses.230 (i.e., see figures).

However, Holloway et al. does not specifically teach a look up table of recognized unique identifiers.

In analogous art, Bartle teaches a look up table of recognized unique identifiers (i.e., see at least col. 7 lines 50 –61).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holloway et al. to include a look up table of recognized unique identifiers as taught by Bartle for the purpose of forwarding calls.

Claims 32-35, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holloway et al. (U.S. Pub. No.: US 2003/0092451 A1) in view of Bartle et al. US Patent No.: 6,188,888 B1, hereinafter, 'Bartle' and further in view of Waldman US Patent No.: 4,768,224.

Consider **claim 32**, Holloway et al. teach a system comprising: a first wireless telephone 230 (**figure 2**) configured to communicate using a wide area wireless protocol (i.e., a GSM protocol) (**paragraph 0020**) and configured to communicate using a proximal wireless protocol (i.e., a Bluetooth protocol)(**paragraph 0019**), the first wireless telephone including a call forward module (i.e., the third circuitry) (**Claim 1**); the call forward module including logic associated with a wireless beacon (**paragraph 0017**); and a first wireless beacon device (i.e., the preferred phone transmitter 220) (**figure 2**) associated with a first alternate network address 240 (i.e., address of the preferred phone) and configured to communicate with the first wireless telephone using a proximal wireless protocol (i.e., Bluetooth protocol) (**paragraphs 0015 and 0016**), the call forward module of the wireless telephone configured to send a first call forward message using the wide area wireless protocol when the first wireless telephone receives a first wireless beacon identifier of the first wireless beacon device (i.e., Holloway et al. further discloses that when a transmitter is installed, it is programmed with the phone number of the preferred phone. This preferred phone number is then transmitted as part of its signal. Mobile phone 230 is equipped to receive signals in the frequency of the transmitter 220 and is programmed to recognize a signal that is meant for it)(i.e., see **paragraph 0016, 0017 and**

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0021), the first call forward module message directing that calls addressed to the first wireless telephone be redirected to the first wireless network address associated with the first wireless beacon identifier (**paragraph 0016 and 0017**).

However, Holloway et al. does not specifically teach a table of alternate network addresses associated with recognized identifiers.

In analogous art, Bartle teaches a table of alternate network addresses associated with recognized identifiers (i.e., binary logic signals) (i.e., see at least col. 7 lines 50 –61).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holloway et al. a table of alternate network addresses associated with recognized identifiers (i.e., binary logic signals) for the purpose of forwarding as taught by Bartle.

However, Holloway et al. as modified by Bartle does not specifically teach a cancel call forward module.

In analogous art, Waldman teaches a cancel call forward module (i.e., see at least col. 8 line 60).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holloway et al. as modified by Bartle to include a cancel call forward module for the purpose of canceling call forwarding as taught by Waldman.

Consider **claim 33** and **as applied to claim 32 above**, Holloway et al. as modified by Bartle and further modified by Waldman teach a system wherein the cancel call forward module (i.e., transmitter 220 and mobile phone 230) (figure 2) is configured to send a cancel call forward

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message using a wide area wireless protocol after detecting that the wireless telephone has moved out of range of the e wireless beacon (i.e., transmitter 220)(**figure 2**) coverage area.

Consider **claim 34**, and as **applied to claim 32 above**, Holloway et al. teach a system further comprising a second wireless telephone 540 (**figure 5**), the second wireless telephone configured to communicate using a wide area wireless protocol and the proximal wireless protocol (i.e., Bluetooth protocol), the second wireless telephone including logic to associate a recognized wireless beacon (paragraph 0017), the second wireless telephone **540** configured to send a second call forward message after receiving the recognized first wireless beacon identifier (**figure 5, paragraphs 0019 – 0022**).

However, Holloway et al. does not specifically teach a table of alternate network addresses associated with recognized identifiers.

In analogous art, Bartle as modified by Waldman teaches a table of alternate network addresses associated with recognized identifiers (i.e., binary logic signals) (i.e., see at least col. 7 lines 50 –61).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holloway et al. a table of alternate network addresses associated with recognized identifiers (i.e., binary logic signals) for the purpose of forwarding as taught by Bartle as modified by Waldman.

Consider **claim 35** and as **applied to claim 32 above**, Holloway et al. as modified by Bartle and further modified by Waldman teach a system further comprising a second wireless beacon (i.e., see Holloway et al. paragraph 0022, according to the applicants specification paragraph 0030 the beacons are identical in terms of utility, but placed in different locations and

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therefore are identical to the additional beacon that can be placed in other locations as described by Holloway et al. in paragraph 0022) associated having a second wireless beacon identifier associated with a second alternate network the second wireless beacon configured to communicate with the first wireless telephone using the proximal wireless protocol the call forward module of the first wireless telephone configured to send a second call forward message using the wide area wireless protocol when the first wireless telephone receives the second wireless beacon identifier the second call forward message directing that calls addressed to the first wireless telephone be directed to the second alternate network address (i.e., see Holloway et al. paragraph 0022, according to the applicants specification paragraph 0030 the beacons are identical in terms of utility, but placed in different locations and therefore are identical to the additional beacon that can be placed in other locations as described by Holloway et al. in paragraph 0022).

Consider **claim 43** and **as applied to claim 34 above**, Holloway et al. as modified by Bartle and further modified by Waldman teach further comprising a device associated with the first alternate network address capable of receiving forwarded calls and capable of providing a first distinctive notification of receipt of a first call redirected from the first wireless telephone and a second distinctive notification of receipt of a second call redirected from the second wireless telephone (i.e., the phone is **capable of ringing**)(paragraphs 0017-0022).

Claims **8,16,18-19, and 38** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Holloway et al. (US Patent Pub. No. 2003/009451 A1)** in view of **Bartle et al. US Patent No.: 6,188,888 B1**, hereinafter, 'Bartle' and further in view of well known prior art (**MPEP 2144.03**).

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Consider **claim 8** and **as applied to claim 7 above**, Holloway et al. as modified by Bartle disclose that the invention can be implemented using various protocols (paragraph 0016).

However, Holloway et al. as modified by Bartle disclose does not specifically disclose that the invention uses a data protocol that is 802.11 std. compliant.

Nonetheless, the Examiner takes Official Notice of the fact that it is notoriously well known in the art that IEEE 802.11 are well known standards that are applied to a wireless interface. Therefore, as suggested by Holloway et al., it would have been obvious to a person of ordinary skill in the art at the time the invention was made to operate the teachings of Holloway et al. as modified by Bartle disclose for a 802.11 compliant protocol. Since these standards are well know in the art and with the teachings of Holloway et al. the range, bandwidth, throughput, and latency of the device can be modified accordingly to improve the performance of the system as a whole.

Consider **claim 16** and **as applied to claim 13 above**, Holloway et al. as modified by Bartle disclose that the invention can be implemented using various protocols (**paragraph 0016**).

However, Holloway et al. as modified by Bartle does not specifically disclose that the invention uses a data protocol that is 802.11 std. compliant.

Nonetheless, the Examiner takes Official Notice of the fact that it is notoriously well known in the art that IEEE 802.11 is well known standards that are applied to a wireless interface. Therefore, as suggested by Holloway et al. and modified by Bartle, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to operate the teachings of Holloway et al. for a 802.11 compliant protocol. Since these standards are well



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know in the art and with the teachings of Holloway et al. the range, bandwidth, throughput, and latency of the device can be modified accordingly to improve the performance of the system as a whole.

Consider **claim 18** and as **applied to claim 13 above**, Holloway et al. as modified by Bartle disclose that the invention can be implemented using various protocols (**paragraph 0016**) and non-GSM phones (**paragraph 0020**).

However, Holloway et al. as modified by Bartle does not specifically disclose that the transmitter utilizes Universal Mobile telecommunication System.

Nonetheless, the Examiner takes Official Notice of the fact that it is notoriously well known in the art that Universal Mobile telecommunication System is well known standards that are applied to a wireless interface.

Therefore, as suggested by Holloway et al. and modified by Bartle it would have been obvious to a person of ordinary skill in the art at the time the invention was made to operate the teachings of Holloway et al. for a Universal Mobile telecommunication System. Since these standards are well know in the art and with the teachings of Holloway et al. the range, bandwidth, throughput, and latency of the device can be modified accordingly to improve the performance of the system as a whole.

Consider **claim 19** and as **applied to claim 13 above**, Holloway et al. as modified by Bartle disclose that the invention can be implemented using various protocols (**paragraph 0016**) and non-GSM phones (**paragraph 0020**).

However, Holloway et al. as modified by Bartle does not specifically disclose that the device utilizes General Packet Radio Service.

Nonetheless, the Examiner takes Official Notice of the fact that it is notoriously well known in the art that General Packet Radio Service is well known standards that are applied to a wireless interface. Therefore, as suggested by Holloway et al. and modified by Bartle, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to operate the teachings of Holloway et al. as modified by Bartle for a General Packet Radio Service. Since these standards are well know in the art and with the teachings of Holloway et al. as modified by Bartle the range, bandwidth, throughput, and latency of the device can be modified accordingly to improve the performance of the system as a whole.

**Consider claim 38 and as applied to the system of claim 1**, Holloway et al. as modified by Bartle teach wherein the mobile telephone comprises a phone capable of communicating via a wireline network and the alternate network address is a network address of the mobile telephone on the wireline network (i.e., see paragraphs 0017-0022).

However, Holloway et al. as modified by Bartle does not specifically teach wherein the phone is a multimode phone multi-mode.

Nonetheless, the Examiner takes Official Notice that multi-mode phones are notoriously well known in the art.

Therefore, as suggested by Holloway et al. and modified by Bartle, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to operate the teachings of Holloway et al. as modified by Bartle to use multimode phones. Since these phones are well know in the art.

**Claim 40** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Holloway et al. (U.S. Pub. No.: US 2003/0092451 A1)** in view of **Bartle et al. US Patent No.: 6,188,888 B1**,

hereinafter, 'Bartle' and further in view of **Waldman US Patent No.: 4,768,224** and further in view of well known prior art (**MPEP 2144.03**).

**Consider claim 40 and as applied to the system of claim 32**, Holloway et al. as modified by Bartle and further modified by Waldman teach wherein the mobile telephone comprises a phone capable of communicating via a wireline network and the alternate network address is a network address of the mobile telephone on the wireline network (i.e., see paragraphs 0017-0022).

However, Holloway et al. as modified by Bartle and further modified by Waldman does not specifically teach wherein the phone is a multimode phone multi-mode. Nonetheless, the Examiner takes Official Notice that multi-mode phones are notoriously well known in the art.

Therefore, as suggested by Holloway et al. and modified by Bartle and further modified by Waldman, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to operate the teachings of Holloway et al. as modified by Bartle and further modified by Waldman to use multimode phones. Since these phones are well know in the art. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Holloway et al. (U.S. Pub. No.: US 2003/0092451 A1)** in view of **Bartle et al. US Patent No.: 6,188,888 B1**, hereinafter, 'Bartle' and further in view of in view of **Bosik et al. (U.S. Patent #6,856,806 B1)**

**Consider claim 26 and as applied to claim 24 above**, Holloway et al. as modified by Bartle teach a method wherein a request is withdrawn in response to a user action (**paragraph 0021**).

However, Holloway et al. as modified by Bartle does not specifically disclose the method wherein a user action is a voice request.

In the same field of endeavor Bosik et al. teach a method wherein the user action (i.e., responding to voice prompt with a 'yes' or 'no') is a voice request (**column 5 –column 6 line 30 and figure 7**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the user action with a voice prompt as taught by Bosik et al. in order to increase the functionality of the phone such as voice response.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Holloway et al. (US Patent Pub. No. 2003/009451 A1)** in view of **Chow et al. (U.S. Patent #6,574,470)**

Consider **claim 37 and as applied to claim 36 above**, Holloway et al. teach a wireless beacon **220 (figure 2)** comprising: a transmitter configured to provide a wireless beacon coverage area (**figure 2, paragraphs 0016 and 0017**); and a wireless communication interface configured to provide a unique identification to the wireless mobile device located within the wireless beacon coverage area (**paragraph 0020**), the unique identification allowing the wireless mobile device **230 (figure 2)** to associate an alternate network destination address for the receipt of external communication while the wireless mobile device is within the wireless beacon coverage area (**paragraphs 0019 and 0020**).

However, Holloway et al. does not disclose the unique identification is represented by a color code.

In the same field of endeavor, Chow et al., discloses a Digital verification color code to identify when a requested mobile unit is on a particular traffic channel (i.e., on the channel identified by the wireless beacon)(**column 37 lines 55-60**).

Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to include a color code as taught by Chow et al. for the purpose of verifying the identity of a wireless device within the proximity. Adding the digital color code to the invention would have been useful in providing an additional layer of security.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Holloway et al.** (U.S. Pub. No.: US 2003/0092451 A1) in view of **Bartle et al.** US Patent No.: 6,188,888 B1, hereinafter, 'Bartle' and further in view of **Mori** US Patent No.: 6,609,006 B1.

Consider **claim 27**, Holloway et al. as modified by Bartle teach a system comprising: a wireless communication device **230 (figure 2)** comprising a first receiver (i.e., first circuitry) to facilitate telephone conversation using a first wireless protocol (**claim 1 and claim 2**); second receiver (i.e., second circuitry) to facilitate monitoring wireless information using a second protocol wireless protocol (**claim 1 and claim 3**) and a communications interface (i.e., within the mobile phone) comprising: circuitry to provide request to forward communication to an alternate communication device (step 320), wherein the alternate communication device is proximal to the transmitter (**claims 1,4, and 5**) and when the transmitter is transmitting an identifier recognized by the circuitry as associated with the alternate communication device(paragraph 0017); and circuitry to provide a request to provide communication requests to cease forwarding communications to the alternate communication device(**i.e., step 350** ).

However, Holloway et al. as modified by Bartle does not specifically teach a first and second controller.

In analogous art, Mori teaches a first (131 figure 1) and second (132 figure 1) control.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holloway et al. as modified by Bartle to include a first and second controller for the purpose of providing control logic and transmitting request as taught by Mori.

Claims **41-42** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Holloway et al.** (U.S. Pub. No.: US 2003/0092451 A1) in view of **Bartle et al.** US Patent No.: 6,188,888 B1, hereinafter, 'Bartle' and further in view of **Waldman US Patent No.: 4,768,224** and further in view of **Admitted Prior Art MPEP 2129**.

Consider **claim 41** and as applied to **claim 32 above**, Holloway et al. as modified by Bartle and further modified by Waldman teach the claimed invention except wherein the first wireless beacon identifier comprises a user selected identifier.

However, Applicants admission in paragraph 0026 of the specification teaches *various methods exist for provisioning the beacon identifier and public key within the mobile device*.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holloway et al. as modified by Bartle and further modified by Waldman to include wherein the first wireless beacon identifier comprises a user selected identifier as taught in the prior art admissions by the applicant for the purpose of security.

Consider **claim 42** and as applied to **claim 32 above**, Holloway et al. as modified by Bartle and further modified by Waldman teach the claimed invention except wherein the first

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wireless beacon is further configured to request a recognized user password before sending the first wireless beacon identifier.

However, Applicants admission in paragraph 0026 of the specification teaches *various methods exist for provisioning the beacon identifier and public key within the mobile device.*

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holloway et al. as modified by Bartle and further modified by Waldman to include wherein the first wireless beacon is further configured to request a recognized user password before sending the first wireless beacon identifier as taught in the prior art admissions by the applicant for the purpose of security.

Claims **41-42** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Holloway et al.** (U.S. Pub. No.: US 2003/0092451 A1) in view **Admitted Prior Art MPEP 2129.**

Consider **claim 44** and as **applied to claim 36 above**, Holloway et al. teach the claimed invention except wherein the first wireless beacon identifier comprises a user selected identifier.

However, Applicants admission in paragraph 0026 of the specification teaches *various methods exist for provisioning the beacon identifier and public key within the mobile device.*

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holloway et al. to include wherein the first wireless beacon identifier comprises a user selected identifier as taught in the prior art admissions by the applicant for the purpose of security.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Shedrick whose telephone number is (571)-272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid Lester can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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